

TOWN OF CHESAPEAKE CITY, MARYLAND
ORDINANCE 12.17.2012

AN EMERGENCY ORDINANCE OF THE TOWN OF CHESAPEAKE CITY
TO AMEND ORDINANCE 4.9.2012 TO PROVIDE FOR A FLOODPLAIN
OVERLAY DISTRICT.

WHEREAS, Article 66B of the Annotated Code of Maryland, authorizes the governing body of municipal corporations to implement planning and zoning controls for the orderly development and use of land and structures, such powers are for public purposes of promoting the health, safety, and general welfare of the community;

WHEREAS, section 26-20 of the Charter of the Town of Chesapeake City grants the Town Council the authority to exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland;

WHEREAS, pursuant to the powers granted unto the Town of Chesapeake City under Article 23A of the Annotated Code of Maryland, and the Charter of the Town of Chesapeake City, the Mayor and Council have the authority to adopt ordinances, including emergency ordinances, and regulations to preserve peace and good order within the Town;

WHEREAS, Ordinance No. 4.9.2012 repealed then existing ordinances related to land use and adopted the Comprehensive Development Ordinance in their place;

WHEREAS, the Comprehensive Development Ordinance did not contain a section containing floodplains;

WHEREAS, Section 1 of Ordinance No. 4.9.2012 states "The Chesapeake City Zoning Ordinance adopted May 9, 1997 and Revised April 1, 2004 is hereby repealed";

WHEREAS, it was not the intent of the Town to repeal the existing floodplain ordinance;

WHEREAS, Section 1A of Ordinance No. 4.9.2012 states “The Chesapeake City Subdivision Regulations dated August 1998 and adopted as Ordinance 98-8-1 on September 14, 1998 and any amendments thereto are hereby repealed with the exception of Part V of Article IX of the Regulations, titled Floodplain Overlay District, which shall remain in effect and in force until such time a new floodplain ordinance is adopted by the Town;”

WHEREAS, the Chesapeake City Subdivision Regulations do not contain a section relative to the Floodplain Overlay District, such section is in the Zoning Ordinance;

WHEREAS, it was the intent of the Town to repeal the Chesapeake City Zoning Ordinance with the exception of Part V of Article IX, titled Floodplain Overlay District. The section that is contained in Section 1A of Ordinance No. 4.9.2012 was intended to be in Section 1 rather than in Section 1A. This ordinance is corrective in nature so that the Town’s intent is reflected accurately;

WHEREAS, the Town is required to have a floodplain ordinance;

WHEREAS, the intent of this emergency ordinance is to amend Ordinance No. 4.9.2012 so that it reflects the Town’s proper intent which was to retain Part V of Article IX of the Chesapeake City Zoning Ordinance, titled “Floodplain Overlay District;”

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF CHESAPEAKE CITY, MARYLAND AS FOLLOWS:

SECTION 1. Section 1 of Ordinance 4.9.2012 is hereby amended to read as follows:
“The Chesapeake City Zoning Ordinance adopted May 9, 1997 and revised April 1, 2004 is hereby repealed with the exception of Part V of Article IX of the Regulations, titled ‘Floodplain

Overlay District,' which shall remain in effect and in force until such time a new floodplain ordinance is adopted by the Town.

SECTION 1A. Section 1A of Ordinance 4.9.2012 is hereby amended to read as follows:
“The Chesapeake City Subdivision Regulations dated August 1998 and adopted as Ordinance 98-8-1 on September 14, 1998 and any amendments thereto are hereby repealed.”

SECTION 2. Should any provision, section, paragraph, or subparagraph of this ordinance, including, any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

SECTION 3. This ordinance shall be deemed an Emergency Ordinance pursuant to Section 26-12 of the Charter of the Town of Chesapeake City, and that upon four affirmative votes, the requirement that this ordinance be acted upon no less than 14 days after introduction is suspended.

SECTION 4. The title of this ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this ordinance for publication and all other purposes.

This Ordinance having been introduced on December 17, 2012 and adopted on December 17, 2012, we hereby affix our signatures. Effective December 17, 2012. A summary of this Ordinance shall be published in at least one newspaper having general circulation within the Town of Chesapeake City.

BY AUTHORITY OF THE MAYOR
AND COUNCIL OF THE TOWN OF
CHESAPEAKE CITY, MARYLAND

Clerk

Dean Geracimos, Mayor

Ayes

Nayes

Absent

Approved as to Form:

Thomas N. Yeager,
Attorney for the Town of Chesapeake City